

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE

2004 NOV -3 A 8:43

IONICS, INCORPORATED,)
Plaintiff)
)
)
)
v.) Civil Action No. 04-11943-PBS
)
)
GLOBAL ENERGY, INC.,)
Defendant.)
)

PLAINTIFF IONICS, INCORPORATED'S LOCAL RULE 16.1(D)(3) CERTIFICATION

We, the undersigned, hereby certify that we have conferred in this matter:

(a) with a view to establishing a budget for the costs of conducting the full course and various alternative courses of the litigation; and

(b) to consider the resolution of the litigation through the use of alternative dispute resolution programs, such as those outlined in Local Rule 16.4.

Respectfully submitted,

IONICS, INCORPORATED.

Dated: November 2, 2004

By its Attorneys,


Kim M. Clarke

David B. Mack (BBO# 631108)
Kim M. Clarke (BBO# 657711)
NIXON PEABODY LLP
100 Summer Street
Boston, Massachusetts 02110
(617) 345-1000

CERTIFICATE OF SERVICE

I hereby certify that on this day, November 2, 2004, a true and accurate copy of the herein Local Rule 16.1(D) Joint Statement and Plaintiff Ionics, Incorporated's Local Rule 16.1 (D) (3) Certification was served by first-class mail on counsel for Defendant Global Energy, Inc.:

Jason W. Morgan, Esq.
Drohan, Hughes, Hoffman, & Tocchio, P.C.
175 Derby Street, Suite 30
Hingham, MA 02043


Kim M. Clarke